



**THE REDEVELOPMENT AGENCY OF THE
CITY OF SAN JOSE**

**REQUEST FOR PREQUALIFICATION
OF CONTRACTORS FOR
THE SAN JOSE CONVENTION CENTER
CENTRAL UTILITY PLANT PROJECT**

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¹ NOTE: The Interview Questions section and the Project Description section do not require any action by the Contractor. The interview questions are questions to be used by the AGENCY and are included for the Contractor’s information.

NOTICE TO CONTRACTORS

Notice is hereby given that the Redevelopment Agency of the City of San Jose (AGENCY) has determined that all Contractors bidding on the SAN JOSE CONVENTION CENTER CENTRAL UTILITY PLANT PROJECT (PROJECT) to be undertaken by the AGENCY must be prequalified before submitting a bid on the PROJECT. It is mandatory that all Contractors who intend to submit a bid for the PROJECT fully complete the Prequalification Questionnaire and provide all materials requested herein, and be approved by the AGENCY to be on the final prequalified bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

LICENSE REQUIRED: "B" OR "C-20"

Contractor will be required to perform a minimum of 51% of the total project labor with its own forces.

FILING OF PREQUALIFICATION SUBMITTALS

A Contractor (CONTRACTOR) seeking prequalification must provide three (3) copies of the fully completed Prequalification Questionnaire in a sealed package to: **Prequalification Submittal for the Central Utility Plant Project, Attention: Sharon Jones, The Redevelopment Agency of the City of San Jose, 200 East Santa Clara Street, 14th Floor, San Jose, CA 95113, on or before SEPTEMBER 22, 2008 at 5:00 P.M. Pacific Time.** Failure to provide a completed Prequalification Questionnaire before the time and date specified above precludes prequalification and subsequent participation in the bidding and construction of the PROJECT.

Prequalification packages may be obtained:

Online at: www.sjredevelopment.org/opportunities.htm

Or contact: Sharon Jones, Senior Project Manager

Telephone: 408-795-1869

E-mail: Sharon.Jones@sanjoseca.gov

The Redevelopment Agency of the City of San Jose

200 East Santa Clara Street, 14th Floor

San Jose, CA 95113

NOTIFICATION OF DETERMINATION

Contractors that submit a Prequalification Questionnaire will be notified in a Notice of Determination regarding their firm's status, whether or not they are prequalified to bid on the PROJECT. Contractors are advised that the act of submitting a Prequalification Questionnaire is not, in itself, a guarantee that the AGENCY will determine that the Contractor is prequalified. A list of prequalified Contractors will be available during the bid period from the AGENCY project manager.

End of Notice

Project Description

The San Jose Convention Center Central Utility Plant (CUP) Project (Project) is the first part of a comprehensive effort to renovate the existing convention center and expand the facility with an addition at the site of the former City Library. The CUP has been isolated from other portions of Work and accelerated to mitigate potential failure of aging mechanical equipment.

Proposed bidders will be required to be prequalified experienced prime contractors holding a “B” or “C-20” license (Contractor). Contractor will be required to perform a minimum of 51% of the total project labor with its own forces. LMN Architects (Architect) and its consultant Flack & Kurtz (Engineer) will be Agency’s Designer-of-Record for the Project. Gilbane Building Company is the Agency’s Construction Manager. The Contractor will be expected to work cooperatively with the Agency and its Architect, Engineer and Construction Manager to complete the project with maximum efficiency.

The existing CUP is comprised of chillers, cooling towers, boilers, pumps, piping and a co-generation unit (co-generation unit will be demolished and not replaced) that provides both heating and cooling to the Convention Center as well as to the adjacent Hilton Hotel. The CUP is located on the ground floor, southwest area of the convention center and conditions approximately 270,000 square feet of offices, meeting rooms, exhibit halls, kitchen and circulation areas, in addition to the lobby, conference rooms and auxiliary spaces in the Hotel. The new CUP will accommodate the existing facilities as well as the future 150,000 square foot expansion.

The Project includes, but is not limited to: purchasing equipment, including possible expedited purchase, delivery, receipt and storage of equipment if necessary to meet the project schedule, connections and set-up of a temporary utility plant to provide services to the convention center and Hotel during construction of the CUP, demolition of existing equipment, abatement and proper disposal of hazardous materials, design assistance, practical input, advice and support, including shop drawing preparation and full coordination drawing preparation, to the Architect and Engineer of the new system, assistance in selecting and locating new equipment, purchase and installation of new equipment including new walls, electrical and other items to complete the Project, demobilization of the temporary facility and LEED certification support, as appropriate.

A mandatory pre-bid conference and project site visit will be required of ALL PREQUALIFIED CONTRACTORS.

End of Project Description

Introduction

GENERAL

The Redevelopment Agency of the City of San Jose (AGENCY) is prequalifying responsible Contractors (Contractor) for bidding on anticipated work associated with the construction of the SAN JOSE CONVENTION CENTER CENTRAL UTILITY PLANT PROJECT (PROJECT). A brief description of the Project is on the previous page. The Project requires Contractors hold a "B" or "C-20" license. Following the solicitation for bids and bidding of the PROJECT, the AGENCY will award a construction contract to the lowest responsible and responsive bidder that has been deemed qualified through participation in this prequalification process. The AGENCY anticipates soliciting for bids on the PROJECT in October 2008.

EXCLUSIVE PROCESS

Each prospective Contractor wishing to submit a bid on the PROJECT must provide a complete Prequalification Submittal and must successfully be prequalified through the process outlined in this Request for Prequalification of Contractors. No other prequalification process completed for the AGENCY will meet these requirements.

PREPARATION OF PREQUALIFICATION SUBMITTAL

To be considered for prequalification, each Contractor must provide a Prequalification Submittal which consists of the completed Prequalification Questionnaire, with all required attachments and other supplemental information, bound into a complete package. The AGENCY requires complete answers to all questions in the Prequalification Questionnaire. The AGENCY will not accept information or documents from other parties. Submission of an incomplete and/or unclear Prequalification Submittal could result in rejection of the prospective contractor.

Documents making up the Prequalification Submittal should be presented bound and separated by section dividers. Oversize drawings (larger than 11x17) should not be included. The completed Prequalification Submittal is not to exceed 25 pages. **The AGENCY requires that 3 copies of the Prequalification Submittal** be delivered to the AGENCY at the required location, date and time specified in the Notice to Contractors.

The AGENCY reserves the right to waive minor irregularities and omissions in the information contained in a submitted Prequalification Questionnaire and the form of such information.

REQUESTS FOR INFORMATION

All questions or requests must be submitted in writing to the AGENCY, to the attention of Sharon Jones, The Redevelopment Agency of the City of San Jose, 200 E. Santa Clara Street, 14th Floor, San Jose, CA 95113 (facsimile: 408-292-6755 or email: Sharon.Jones@sanjoseca.gov). The Contractor shall only rely on information contained in this Request for Prequalification of Contractors, and any subsequent written supplement issued by the AGENCY, for preparation of the Prequalification Submittal. Contractors shall not rely on any other written or any oral statements of the AGENCY or its officers, directors, employees, or agents regarding the PROJECT or the Prequalification Questionnaire in preparing and submitting the Prequalification Submittal.

TIME AND DATE FOR SUBMISSION

Refer to the NOTICE TO CONTRACTORS included in this Request for Prequalification of Contractors for the required submission deadline. Prequalification Submittals are to be delivered to the AGENCY at the required location, before the specified date and time. Late submissions will be deemed not qualified.

EVALUATION AND ANALYSIS

The AGENCY will use the information obtained in the prequalification process to determine whether a Contractor is qualified to bid on the PROJECT. The AGENCY reserves the right to verify from other available sources the information provided by the Contractor and to rely upon such information gathered during the verification process. The AGENCY will evaluate the information gathered during this prequalification process by using the objective criteria set forth in this document.

NOTIFICATION

The AGENCY will notify each Contractor of whether its firm has been prequalified to bid on the PROJECT through a Notice of Determination. Following issuance of a Notice of Determination, the AGENCY reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating of Contractors based on subsequently learned information.

Construction documents defining the PROJECT scope of work will be available to Contractors placed on the prequalified list, with an invitation to submit sealed bids at a subsequent time to be announced.

EFFECT OF PREQUALIFICATION

While it is the intent of this Prequalification Questionnaire and documents required therewith to assist the AGENCY in determining Contractor responsibility before the bid and to aid the AGENCY in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the AGENCY from a post-bid consideration and determination of Contractor responsibility.

Moreover, the AGENCY expressly reserves the right to suspend or abandon the prequalification process at any time.

APPEALS PROCEDURE

The AGENCY will deliver a written Notice of Determination to each Contractor that has submitted a Prequalification Questionnaire. If the Agency determines a Contractor is not qualified or responsible to bid on the PROJECT, the Contractor has the right to appeal the determination; the Notice of Determination for any such disqualified Contractor shall also notify the Contractor of the basis of the determination and any supporting evidence obtained from third parties or through investigation. The following procedures shall apply whenever a Contractor desires to protest that determination.

No Contractor will have the right to appeal a determination that it is not qualified based upon a late or incomplete Prequalification Submittal, omission of requested information or falsification of information.

Any Contractor that the AGENCY determines is otherwise not qualified or responsible has the right to a hearing to appeal that determination. The appeal by the Contractor shall be undertaken at the Contractor's expense.

The Contractor initiates an appeal by delivering to the AGENCY a written notice requesting a hearing and setting forth in general terms the basis of the appeal. The Contractor must deliver the written notice to the same location that it delivered the Prequalification Submittal. The Contractor must deliver such written notice within 10 business days following the date of the AGENCY's Notice of Determination that the Contractor is not qualified or responsible. The Contractor waives its right to appeal the AGENCY's decision if it fails to deliver the notice within 10 business days.

The Director of the Project Management Division of the Redevelopment Agency will conduct a hearing on the appeal no later than 10 business days following the Contractor's delivery of the written notice of appeal. The hearing conducted by the Director will be informal and is not an evidentiary hearing. At the hearing, the Contractor will be given the opportunity to present information and reasons in opposition to the AGENCY's determination. The Director will consider all evidence, information and arguments submitted by the Contractor relevant to the AGENCY's determination, the AGENCY's response to such evidence, information and arguments, and any other information the Director deems relevant.

Within 5 business days following the hearing, the Director will provide a written decision whether the Contractor is qualified or not qualified. The Director's written decision is the final determination of the issue, and the Contractor shall have no further administrative appeals.

The procedure and time limits set forth above are mandatory and the Contractor's sole and exclusive remedy in the event of protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings.

PUBLIC RECORD

State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure. Other than this, the prequalification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purposes of verification, investigation of allegations of falsification or other wrongdoing, or in any appeal hearing or in connection with any claim or legal proceeding.

End of Introduction

PREQUALIFICATION QUESTIONNAIRE

Part I. Contact Information

The Contractor must provide all of the following contact information to be considered for prequalification. The Contractor must also sign the Certification on page 27, certifying that the statements and information contained in this Prequalification Questionnaire are complete and accurate and that the Prequalification Submittal contains no false or deliberately misleading information. By signing the Certification, the Contractor acknowledges that receipt of this submittal by the AGENCY does not constitute either a direct or implied guarantee to the Contractor that prequalification is or will be granted. By signing the Certification and submitting this Prequalification Questionnaire, the Contractor further agrees to be bound by the procedures and conditions of prequalification described in this Request for Prequalification for Contractors and the Prequalification Questionnaire.

Legal Name of Contractor: _____

Check One: ☐ Corporation
☐ Partnership
☐ Sole Proprietorship
☐ Joint Venture

Contact Person: _____

Address of Contractor: _____

Phone Number: _____ Fax Number: _____

E-mail and/or Website: _____

If firm is a sole proprietor or partnership, provide Owner(s) of Company: _____

If Contractor is a Corporation, provide the State of Incorporation: _____

Contractor's License Number(s): _____

Number of years Contractor has been licensed in California: _____

End of Part I

Part II. General Information

The Contractor must provide all of the following information to be considered for prequalification.

1. Has there been any change in ownership of the firm at any time during the last 3 years?

NOTE: A publicly-traded corporation is not required to answer this question.

☐ Yes ☐ No

If "Yes"; explain on a separate signed page.

2. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?

NOTE: Include information about other firms if a firm owns 50 percent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes ☐ No

If "Yes"; explain on a separate signed page.

3. Are any corporate officers, partners or owners connected to any other construction firms?

NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes ☐ No

If "Yes"; explain on a separate signed page.

4. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

5. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license. Include their position in the company.

6. Has your firm changed its name(s) or license number(s) in the past 5 years?

☐ Yes ☐ No

If "Yes"; explain on a separate signed page, including the reason for the change.

7. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last 5 years?

☐ Yes ☐ No

If "Yes"; explain on a separate signed page, including the reason for the change.

End of Part II

Part III. Essential Requirements for Qualification

NOTE: Contractor will be immediately disqualified if the answer to any of questions 1 through 4 is “No.”

1. Contractor possesses a valid and current California Contractor’s “B” or “C-20” license.
☐ Yes ☐ No
2. Contractor has a Commercial General Liability Insurance policy with a policy limit of at least \$2,000,000 per occurrence/\$4,000,000 aggregate. **Include a certificate of insurance verifying current insurance coverage.**
☐ Yes ☐ No
3. Contractor has current Workers’ Compensation Insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
☐ Yes ☐ No
4. Contractor has attached a **notarized statement** from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states that your current bonding capacity is sufficient for the project(s) for which you seek prequalification. **NOTE: Notarized statement must be from the surety company, not an agent or broker.**

Engineer’s estimate for the PROJECT is approximately: **\$19.5 Million**

☐ Yes ☐ No

NOTE: Contractor will be immediately disqualified if the answer to any of questions 5 through 10 is “Yes”.

5. Has your contractor’s license been revoked at any time in the last 5 years?
☐ Yes ☐ No
6. Has a surety firm completed, or paid for completion of a contract on your behalf because your firm defaulted or was terminated by the project owner within the last 5 years?
☐ Yes ☐ No
7. Does your firm have an agreement with the San Jose Redevelopment Agency, the City of San Jose, or any public entity, not to bid on public works project, now or within the past 3 years?
☐ Yes ☐ No

8. At the time of submitting this Prequalification Questionnaire, is your firm ineligible to bid on or be awarded any local, state or federal public works contract, or to perform as a subcontractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?
- ☐ Yes ☐ No
9. Is your firm currently the debtor in a bankruptcy case?
- ☐ Yes ☐ No
10. At any time during the last 5 years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
- ☐ Yes ☐ No

End of Part III

Part IV. Organizational Performance, Compliance with Civil and Criminal Laws

A. Questions about History of the Business, Financial and Organizational Performance

This Part IV-A contains a total of 17 scored questions about the history of the business and its organizational performance. There is a maximum total of 114 points that you can score on these 17 questions. In order to prequalify, you must obtain a minimum of 85 points on these 17 questions. Contractor must respond to all questions.

1. How many years has your organization been in business in California as a contractor under your present business name and license number? _____years

Less than 3 years = 0 points

3-4 years = 2 points

5+ years = 3 points

2. Was your firm in bankruptcy any time during the last 5 years? (This question refers only to a bankruptcy action that was not described in answer to question #9, Part III).

☐ Yes ☐ No

“Yes” = 0 points “No” = 3 points

3. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last 5 years?

☐ Yes ☐ No

“Yes” = 0 points “No” = 5 points

4. Indicate which of the following statements is true (select only 1):

☐ In the last 5 years, our firm has never been assessed and paid liquidated damages, pursuant to a construction contract with either a public or private owner. *(5 points)*

☐ In the last 5 years, our firm has been assessed and paid liquidated damages, pursuant to a construction contract with either a public or private owner on 1 project. *(3 points)*

☐ In the last 5 years, our firm has been assessed and paid liquidated damages, pursuant to a construction contract with either a public or private owner on each of 2 projects. *(0 points)*

5. In the last 5 years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or terminated “for cause” from a construction project, or defaulted on a construction contract, or been found not to be responsible?

NOTE: “Associated” refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

☐ Yes ☐ No

“Yes” = 0 points “No” = 8 points

6. In the last 5 years has your firm, or any firm with which any of your company's owners, officers or partners was associated, had an active agreement with either the AGENCY or any public entity to not bid on public works projects.

NOTE: "Associated" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

☐ Yes ☐ No

"Yes" = 0 points "No" = 8 points

7. In the last 5 years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes ☐ No

"Yes" = 0 points "No" = 5 points

NOTE: Questions 8 and 9 refer only to disputes between your firm and the owner of a project, including information about "pass-through" disputes in which the actual dispute is between your subcontractor and a project owner. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. Also, you may omit reference to all disputes about amounts of less than \$50,000.

8. In the past 5 years, has an owner ever filed any claim or formally requested arbitration against your firm concerning your firm's work on a construction project?

☐ Yes ☐ No

If your answer is "Yes," then state how many times this has occurred: _____

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

9. In the past 5 years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and filed that claim in court or formally requested arbitration of the claim?

☐ Yes ☐ No

If your answer is "Yes," then state how many times this has occurred: _____

8 points for "No",

6 points for "Yes" indicating 1 such instance,

3 points for "Yes" indicating 2 such instances,

0 points for "Yes" if more than 2 such instances.

10. At any time during the past 5 years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private?

☐ Yes ☐ No

If your answer is "Yes," then state how many times this has occurred: _____

*8 points for "No",
6 points for "Yes" indicating 1 such claim,
3 points for "Yes" indicating 2 such claims,
0 points for "Yes" if more than 2 such claims*

11. In the last 5 years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes ☐ No

If your answer is "Yes," then state how many times this has occurred: _____

*3 points for either "No" or "Yes" indicating 1 such instance.
2 points for "Yes" indicating 2 such instances.
0 points for "Yes" or if more than 2 such instances.*

12. Has your firm or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?

☐ Yes ☐ No

"Yes" = subtract 5 points "No" = 5 points

13. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes ☐ No

"Yes" = subtract 5 points "No" = 5 points

14. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes ☐ No

"Yes" = subtract 5 points "No" = 5 points

15. State the percentage rate that your firm was required to pay for performance and payment bonds on all projects on which your firm worked at any time during the last 3 years.

_____ %

If your firm was required to pay a premium of more than 1 percent, you may provide an explanation if you wish to do so.

3 points if the rate is no more than 1.00 percent.

2 points if the rate was no higher than 1.25 percent.

0 points for any other answer.

16. During the last 5 years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

“Yes” = 0 points “No” = 3 points

17. Provide one of the following:

(a) A copy of a reviewed or audited financial statement for your firm’s latest fiscal year. A financial statement that is either not reviewed or audited is not acceptable. A letter verifying the availability of a line of credit is not a substitute for the required financial statement. OR,

(b) On Contractor’s letterhead, provide specific numerical data for the four (4) financial ratios below with respect to your firm’s latest complete fiscal year, signed and dated by Contractor’s Chief Financial Officer, President or Chief Executive Officer.

Financial Assessment Ratios

Assessment	Formula	Desired Ratio
Current Ratio	Current Assets / Current Liabilities	> 1.25
Net Worth	Total Assets – Total Liabilities	≥ 0
Working Capital	Current Assets – Current Liabilities	≥ 10% of Est. Cost
Leverage	Total Liabilities / Equity	≤ 2.5

Current Ratio

8 points if the ratio is greater than 1.25.

4 points if the ratio is 1.25 or less, but greater than 1.0.

0 points if the ration is 1.0 or less.

Net Worth

8 points if the ratio is greater than or equal to 0

0 points for a ratio less than 0

Working Capital

8 points for a ratio greater than or equal to 10% of estimated cost of project (\$1.95M)

4 points for a ratio greater than or equal to 7.5% of estimated cost of project (\$1.465M)

0 points for any other answer

Leverage

8 points for a ratio less than or equal to 2.5

4 points for a ratio greater than 2.5 but less than 3.25,

0 points for any other answer

End of Part IV-A

B. Questions about compliance with safety, workers compensation and prevailing wage laws

This Part IV-B contains a total of 8 scored questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws. There is a maximum total of 45 points that you can score on these 8 questions. In order to prequalify, you must obtain a minimum of 33 points on these 8 questions. Contractor must respond to all questions.

1. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

NOTE: If you have filed an appeal of a citation and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If your answer is “Yes,” then state how many times this has occurred and attach a separate signed page describing each citation: _____

8 points for either “No” or “Yes” indicating only 1 such instance.

5 points for “Yes” indicating 2 such instances.

0 points for “Yes” if more than 2 such instances.

2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past 5 years?

NOTE: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If your answer is “Yes,” then state how many times this has occurred and attach a separate signed page describing each citation: _____

8 points for either “No” or “Yes” indicating 1 such instance.

5 points for “Yes” indicating 2 such instances.

0 points for “Yes” or if more than 2 such instances.

3. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past 5 years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If your answer is “Yes,” then state how many times this has occurred and attach a separate signed page describing each citation: _____

5 points for either “No” or “Yes” indicating 1 such instance.

3 points for “Yes” indicating 2 such instances.

0 points for “Yes” or if more than 2 such instances.

4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project? _____

3 points for an answer of once each week or more often.

0 points for any other answer

5. How often do you require documented safety inspections be made by the safety officer or manager during the course of a project? _____

3 points for an answer of once each month or more often.

0 points for any other answer

6. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past 3 premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these 3 years is or was 1.00 or higher, you may attach a letter of explanation.

12 points for three-year average EMR of 0.95 or less

9 points for three-year average of EMR of more than 0.95 but no more than 1.00

0 points for any other average EMR

7. Within the last 5 years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ Yes ☐ No

If your answer is "Yes," then state how many times this has occurred: _____

3 points for either "No" or "Yes" indicating 1 such instance.

0 points for any other answer.

8. Has there been any occasion during the last 5 years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with any state or local prevailing wage laws?

☐ Yes ☐ No

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

If your answer is "Yes," then state how many times this has occurred in total: _____

3 points for either "No," or "Yes" indicating either 1 or 2 such instance.

2 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

End of Part IV-B

Part V. Experience

This Part V contains a total of 4 scored (and 1 unscored) questions about your firm's experience with projects that are similar to this Central Utility Plant replacement project that requires practical input, advice and support by the Contractor to the Owner's Engineer of Record, and intends to qualify for LEED credits as part of the overall project. See Project Description on Page 2 for more information. There is a maximum total of 26 points that you can score on the 4 scored questions. In order to prequalify, you must obtain a minimum of 19 points on these questions. Contractor must respond to all questions.

1. Has your firm successfully provided assistance, advice and support to the Engineer of Record for mechanical systems during development of construction documents for a central utility plant? (Note: The intent is to identify projects in which your firm acted through a design-assist contract or subcontract, or a design-build contract or subcontract.)

☐ Yes ☐ No

If your answer is "Yes," then state the name(s) & scope(s) of the project(s).

Not scored.

2. Has your firm successfully completed a project that involved the demolition of an existing utility plant that also required the removal of Hydrochlorofluoro-carbons (HFC's) or other hazardous materials?

☐ Yes ☐ No

If your answer is "Yes," then state the name of the project, the scope & the hazardous materials involved.

***8 points for "Yes" with 2 or more projects,
6 points for "Yes" with 1 project,
0 points for "No".***

3. Has your firm successfully completed a project in which it was the prime contractor that constructed a new central utility plant?

☐ Yes ☐ No

If your answer is "Yes," then state the name(s) & scope(s) of the project(s).

***8 points for "Yes" with 2 or more projects,
6 points for "Yes" with 1 project,
0 points for "No".***

4. Were the projects identified in response to #3 above new central utility plants in an existing facility which was required to remain in operation?

☐ Yes ☐ No

***5 points for “Yes” with 2 or more projects,
4 points for “Yes” with 1 project,
0 points for “No”.***

5. Has your firm successfully completed projects in which it was the prime contractor that received a LEED certification?

☐ Yes ☐ No

If your answer is “Yes,” then state the name(s), scope(s) of the project(s), and level of certification achieved.

***5 points for “Yes” with 2 or more instances,
4 points for “Yes” with 1 instance,
0 points for “No”.***

End of Part V

Part VI. Recent Relevant Construction Projects Completed

This Part VI requires the **Contractor to submit information on THREE (3) of the most similar or relevant construction projects** that it completed as a prime contractor within the last 5 years. It is imperative that the Contractor demonstrates experience and knowledge by successful completion of a project that closely compares to the Project for this prequalification. If the Contractor identified specific projects in responses to Part V questions, those projects should be included in response to Part VI. Relevancy points for each project listed will be earned based on evaluation of the following components:

- Complete responsibility as a prime contractor for construction of a central utility plant (exclusive of structure), of at least 20,000 square feet, in which the firm provided at least 51% of the labor with its own forces for a Public Agency (**20 points**); **OR**,

Complete responsibility as a prime contractor for construction of a central utility plant (exclusive of structure), of at least 20,000 square feet, in which the firm provided at least 51% of the labor with its own forces for a Private Owner (**15 points**).

NOTE: For project base scoring of #1 Project Category with Square Footage:

Projects < 8,000 GSF =	MINUS 8 points from base score
Projects > 8,000 to < 14,000 GSF =	MINUS 6 points from base score
Projects > 14,001 to < 19,999 GSF =	MINUS 4 points from base score
Projects ≥ 20,000 GSF =	FULL MAXIMUM POINTS

- Central Plant Demolition & Hazardous Materials Abatement experience as a prime contractor – demonstrates ability to safely disconnect existing equipment & properly dispose of hazardous materials.
(Demolition with Haz Mat removal = 5 points, Demolition only = 3 points, Hazardous Material Abatement only = 2 points, Neither = 0 points)
- Occupied, urban facility – demonstrates ability to perform work around physical constraints.
(10 points if occupied & urban, 5 points if occupied only, 2 points if urban only, 0 points if not occupied or urban).
- Experience providing support, practical input, advice and assistance to the Engineer-of-Record during development of construction documents in which the firm has been the prime contractor providing at least 51% of the labor with its own forces. (These would be projects in which your firm acted as a contractor via a design-assist contract or a design-build contract).
(10 points for performing design assist or design-build as a direct prime contractor, 0 points if no such experience).
- Large scale - \$15 Million value for plant only – not part of a comprehensive project that includes the cost of building structures.
(10 points for value ≥ 15M, 8 points for value ≥ \$12M and <15M, 4 points for value ≥ \$10M and <12M, 0 points for less than \$10M).

- LEED certification of project- demonstrates experience with concepts and documentation associated with Green Building.
(10 points for “Yes”, 0 points if “No”).
- Adherence to Schedule – demonstrates ability to meet milestones & completion date
(10 point if project was completed before or by established/approved completion date, Subtract 2 points for each 25 days late, ≥ 101 days late = 0)

Each project submitted properly will receive a score based on validated answers provided by the Contractor to the questions below. The scores will be comprised of the base score (Question #1) and scoring for the characteristics or relevancy as described above for each project. There is a maximum total of 225 points possible in Part VI (three projects with a maximum of 75 points for each project). In order to prequalify, you must obtain a minimum of 170 points (total for all three projects).

Projects with incomplete, unverifiable or inaccurate information will not be scored. Projects that are submitted properly will be scored by the AGENCY according to the criteria noted in ***“bold italics”*** above.

Contractor shall provide project information. Contact names and references must be current and verifiable. Contractor shall not provide a contact name from any of the following: The San Jose Redevelopment Agency; The City of San Jose; Team San Jose; Gilbane Building Company; LMN Architects; or Flack & Kurtz, Mechanical Engineers.

For each project submitted, use separate sheets of paper that contain all of the following information:

NOTE: Items 1 through 7 must be filled out to for this form to be deemed complete and for this project to be scored.

1. Project Category (check one)

- ☐ **A:** A central utility plant (exclusive of structure) for which the Contractor provided at least 51% of the labor with its own forces for a Public Agency completed in the last 5 years.
- ☐ **B:** A central utility plant (exclusive of structure) for which the Contractor provided at least 51% of the labor with its own forces for a Private Owner completed in the last 5 years.

Project Name: _____

Location: _____

Owner: _____

Architect or Engineer: _____

Total Utility Plant Gross Square Footage: _____

2. Description of Project & Scope of Work Performed (Refer to the detailed relevancy criteria listed at the beginning of this Section, being sure to mention related demolition, hazardous material abatement, design assistance, or performing work in an occupied and/or operating space. It is solely the responsibility of the Contractor to include sufficient information regarding project relevancy to allow the Agency to appropriately evaluate & assign points for the submitted projects):

3. The names, titles and current phone numbers of the Owner's Project Manager and at least one other person who you believe to be best qualified to answer the interview questions set forth in the Interview Section, beginning on Page 23 of this Prequalification Questionnaire. **It is the Contractor's responsibility to confirm that contact information is current. Non-current information may result in rejection of the project for evaluation.**

Name: _____ Title: _____ Phone: _____

Name: _____ Title: _____ Phone: _____

Name: _____ Title: _____ Phone: _____

4. The name and current phone number of the Architect or Engineer: **It is the Contractor's responsibility to confirm that contact information is current. Non-current information may result in rejection of the project for evaluation.**

Name: _____ Phone: _____

Firm: _____

5. Total Value of Construction (including change orders, but exclusive of structure):

6. Did the project achieve a USGBC LEED certification?

☐ Yes ☐ No

7. Provide Schedule Information:

Original Contract Completion Date: _____

Time Extensions Granted by Owner Change Order (number of days): _____

Contract End Date (a+b): _____

Actual Date of Completion: _____

End of Part VI

Interview Questions**

****NO ACTION ON THE CONTRACTOR'S PART IS NECESSARY FOR THE FOLLOWING TWO PARTS (INTERVIEW QUESTIONNAIRE AND PROJECT DESCRIPTION). THE INTERVIEW QUESTIONS AND PROJECT DESCRIPTION ARE INCLUDED IN THE PACKAGE FOR THE CONTRACTOR'S INFORMATION.**

For at least 2 of the completed projects identified in Part VI, the AGENCY will use the following questions to interview the persons you identified in Part VI, #3 and #4, as being the best persons to answer these questions. The AGENCY will forward the form below to the identified contact and conduct the interviews. The AGENCY reserves the right to disqualify a project for consideration where the contact person given demonstrates a lack of knowledge regarding the specifics of the project in question and/or the Contractor's performance on that project.

The highest possible score for each project selected is 100 points. A score of less than 59 points on either project results in a Contractor not being qualified to bid on this project. A score of between 59 and 74 points requires the Agency to conduct another interview of another contact provided. The Contractor needs a score of 75 or higher on each of two (2) interviews to be deemed qualified.

Project Interview Form

Contractor: _____

Project: _____

Contact Name: _____

Contact Company/Entity: _____

General Project Background: First, please give a brief description of the project including the site acreage and building square footage, general purpose of the project (i.e. office building, school, etc.) and any unique challenges or restrictions placed on the Contractor (i.e. phasing of the work, accelerated schedule, etc.).

CONTRACTOR: _____ PROJECT: _____

Please review the following statements and select the point level that best reflects your experience with the contractor on the project in question.

Scored Statements:

Score:

1. PERSONNEL: Throughout the project, the contractor provided adequate personnel at all levels with sufficient experience given the type and size project. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

2. SUPERVISION: The contractor coordinated the work and provided the supervision necessary to maintain the critical path schedule, to resolve multi-trade conflicts ahead of critical path activities and to avoid the need for the owner to reject work more often than would reasonably be expected for a project of this type and size. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

3. EQUIPMENT: The contractor provided the equipment necessary to complete the work as required by the contract requirements, and such equipment was operable and provided in a timely manner. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

4. ADMINISTRATION: Throughout the project, the contractor provided complete and accurate reports and other paperwork, including change order paperwork and scheduling updates, in a timely manner and as otherwise necessary to meet the contract requirements. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

5. SCHEDULE: Throughout the project, the contractor adhered to the project schedule that the owner approved pursuant to the contract requirements. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

6. EXECUTION: Did the contractor complete the project by the contractually required completion date (including all time extensions granted by the owner)? _____

10 points if the answer is "Yes" or,

Subtract 2 points for every 25 calendar days beyond the accepted schedule that the Contractor took to complete the work – exclusive of minor "punch list" items – lowest possible score is 0.

7. CHANGE ORDERS: Throughout the project, the contractor submitted timely estimates to perform change order work which contained readily verifiable time, material and labor estimates. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

8. RESPONSIVENESS: The contractor performed change order work in the manner required by the approved change order, and integrated the change order work into the existing work so as to minimize disruptions to the approved schedule and to the quality of the work. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

9. PAYMENT OF SUBCONTRACTORS: Which of the following statements most correctly describes the number of stop notices and/or mechanics liens on the project: _____

0 points = Throughout the project, there were 10 or more cases of subcontractors and/or suppliers submitting stop notices and/or mechanics liens due to lack of timely payment.

3 points = Throughout the project, there were 7 to 9 cases of subcontractors and/or suppliers submitting stop notices and/or mechanics liens due to lack of timely payment.

5 points = Throughout the project, there were 5 to 7 cases of subcontractors and/or suppliers submitting stop notices and/or mechanics liens due to lack of timely payment.

8 points = Throughout the project, there were 2 to 4 cases of subcontractors and/or suppliers submitting stop notices and/or mechanics liens due to lack of timely payment.

10 points = Throughout the project, there was no more than 1 case of a subcontractor or suppliers submitting stop notices and/or mechanics liens due to lack of timely payment.

10. PROJECT CLOSE OUT: The contractor submitted Operation & Maintenance manuals, completed as-built drawings, provided training, and performed punch-list and warranty item work, all in the manner required by the construction contract. _____

0 points = The Contractor consistently failed to meet this standard.

3 points = The Contractor marginally met this standard.

5 points = The Contractor satisfied this standard

8 points = The Contractor was very good about meeting this standard.

10 points = The Contractor was exceptional & consistently exceeded this standard.

GRAND TOTAL: _____

End of Interview Questions

The Contractor shall sign this Certification. Failure to include this Certification in the Prequalification Submittal will preclude prequalification and subsequent participation in the bidding and construction of the PROJECT.

The undersigned is a legally authorized representative of the Contractor.

The legal name of the Contractor is: _____

State of California Contractor's License Number, including all specialty licenses and certifications:

License Number: _____ Type(s): _____

Contractor's Telephone Number: _____

Contractor's Fax Number: _____

CERTIFICATION

* * * *

I, the undersigned, certify and declare that I have read all the foregoing answers provided in this Prequalification Questionnaire and know their contents. The matters stated in these answers are true of my own knowledge and belief, except as to those matters specifically stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Contractor

Printed Name

Signature

Title

End of Prequalification Questionnaire